

IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY

GINA TURRA, ADMINISTRATRIX	:	
Of the Estate of LOUIS C. TURRA,	:	
Deceased, Individually and on	:	
behalf of the Decedent's Estate	:	October Term, 2001
and SANTINO LOUIS TURRA, a minor	:	
by his mother and natural guardian,	:	No. 2878
GINA TURRA,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
UNITED STATES DEPARTMENT OF JUSTICE,	:	
	:	
Defendant.	:	

NOTICE OF FILING OF REMOVAL

TO: Prothonotary office  
Court of Common Pleas  
of Philadelphia County  
City Hall, Room 286  
Philadelphia, PA 19107

PLEASE TAKE NOTICE THAT, on May 21, 2002, the United States Attorney's Office for the Eastern District of Pennsylvania, on behalf of the United States Department of Justice, filed in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a Notice of Removal, signed

pursuant to Rule 11 of the Federal Rules of Civil Procedure. A copy of the Notice of Removal is attached hereto.

Respectfully submitted,

PATRICK L. MEEHAN  
United States Attorney

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JAMES G. SHEEHAN  
Assistant United States Attorney  
Chief, Civil Division

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CEDRIC D. BULLOCK  
Assistant United States Attorney

Dated: May 21, 2002

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

GINA TURRA, ADMINISTRATRIX	:	
Of the Estate of LOUIS C. TURRA,	:	
Deceased, Individually and on	:	
behalf of the Decedent's Estate	:	Civil Action No.
and SANTINO LOUIS TURRA, a minor	:	
by his mother and natural guardian,	:	
GINA TURRA,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
UNITED STATES DEPARTMENT OF JUSTICE,	:	
	:	
Defendant.	:	

NOTICE OF REMOVAL OF ORDER FROM  
STATE COURT TO THE UNITED STATES DISTRICT COURT

Pursuant to 28 U.S.C. 2679(d), the United States of America removes this action to the Federal District Court for the Eastern District of Pennsylvania. In support thereof, the United States of America avers the following:

This action arises from a dispute between the Plaintiffs and the United States Department of Justice regarding the disposition of settlement proceeds.

Plaintiffs argue that the agreed settlement proceeds should be deposited into the account of a structured settlement broker instead of into the escrow account of Plaintiffs' attorney.

The defendant United States Department of Justice is an agency of the United States. As this dispute gives rise to defenses that may be asserted on behalf of and

involving an agency of the United States, the only proper forum for the adjudication of the allegations is the United States District Court for the Eastern District of Pennsylvania.

Plaintiffs, filed a Petition to Amend the Order Approving Settlement and Order for Distribution in the Philadelphia Court of Common Pleas on March 7, 2002. See Copy of attached hereto as Exhibit "A".

5. The Petition to Amend the Order Approving Settlement and Order for Distribution was never served on the United States. However, on May 1, 2002, the Philadelphia Court of Common Pleas Court entered an Order compelling the United States to transfer the settlement proceeds directly into the account of a third party.

6. The United States Attorney's Office has not been served with a copy of the Petition to Amend the Order Approving Settlement and Order for Distribution or any other pleadings in this matter.

7. Accordingly, pursuant to the provisions of the Federal Tort Claims Act, 28 U.S.C. § 2671, et seq., the entire action may be removed to this Court at any time prior to trial.

8. As this action arises from an alleged breach of a settlement agreement there was never a trial held in state court.

9. A copy of this Notice is being filed with the Philadelphia Court of Common Pleas, and is being sent to all adverse parties pursuant to 28 U.S.C. § 1446(d).

10. No bond is required to accompany this Notice as it is filed on behalf of the United States.

11. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

Respectfully submitted,

PATRICK L. MEEHAN  
United States Attorney

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JAMES G. SHEEHAN  
Assistant United States Attorney  
Chief, Civil Division

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CEDRIC D. BULLOCK  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Filing of Removal and Notice of Removal have been served by first class mail, postage prepaid, upon the following:

Alan E. Denenberg, Esquire  
1200 Walnut Street  
6<sup>th</sup> Floor  
Philadelphia, PA 19107

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CEDRIC D. BULLOCK  
Assistant United States Attorney

DATED: May 21, 2002